

REMARKS / ARGUMENTS

A. General

The Applicant gratefully acknowledges that the Examiner's rejection of claims 48 and 50-116 under 35 USC 102(e) based on U.S. Patent Application Publication No. US 2003/0167229 (Ludwig et al.), which was set forth in the Office Action dated February 2 2007, has been withdrawn.

The application still contains 68 claims, notably claims 48 and 50-116.

No amendments are being made to the application by the present communication.

B. Summary of Rejection and Reply

In the present Office Action, the Examiner rejects claims 48 and 50-116 under 35 USC 103(a) as being unpatentable over U.S. Patent number 6,826,542 (hereinafter Virgin et al.) in view of U.S. Patent Application Publication No. US 2003/0167229 (hereinafter Ludwig et al.).

On page 10 of the present Office Action, the Examiner acknowledges that the Affidavits submitted on May 1 2007 contain information generally related to the concept of a multi-stage approval process for an electronic invoice. The Examiner indicates however that the Affidavit material does not disclose a first and second data element being sent to an invoicer indicating approval/authorization. For that reason, the Examiner has continued to rely on Ludwig et al., this time in combination with Virgin et al., to reject the claims of the present application.

In response to the Examiner's rejection, the Applicant has prepared and encloses herewith a supplemental 37 CFR 1.131 Affidavit executed by Brigitte Mattar, a Canadian patent agent with the law firm of Smart & Biggar/Fetherstonhaugh.

This supplemental Affidavit, in combination with the Affidavits submitted with the reply filed on May 1 2007, provides further evidence that conception of the subject matter in independent claims 48, 72, 97, 113 and 116 took place prior to April 3, 2001 and that this conception was followed by due diligence until the filing of the application on April 30, 2001. The Applicant submits that this supplemental Affidavit and in particular Exhibit "L" of this supplemental Affidavit includes material describing "a first and second data element being sent to an invoicer indicating approval/authorization".

As the effective date of Ludwig et al. is April 3, 2001, the Applicant respectfully submits that Ludwig et al. is not citable against the claims of the present application.

In light of the foregoing, since Virgin et al. alone does not support a rejection of any of the independent claims 48, 72, 97, 113 and 116, the Applicant respectfully submits that the subject matter of these independent claims is novel and non-obvious and, as such, that these claims are in full condition for allowance.

Claims 50-71, 73-96, 98-112 and 114-115 depend either directly or indirectly from one of claims 48, 72, 97, 113 and 116, which have already been shown to be in condition for allowance. As such, the Applicant respectfully submits that claims 50-71, 73-96, 98-112 and 114-115 are also novel, non-obvious and in condition for allowance.

CONCLUSION

In view of the above, it is submitted that claims 48 and 50-116 are in condition for allowance. Reconsideration of the rejections is requested. Allowance of claims 48 and 50-116 at an early date is solicited.

If the application is not considered to be in full condition for allowance, for any reason, the Applicant respectfully requests the constructive assistance and suggestions of the Examiner in drafting one or more acceptable claims pursuant to MPEP 707.07(j) or in making constructive suggestions pursuant to MPEP 706.03 so that the application can be placed in allowable condition as soon as possible and without the need for further proceedings.

Respectfully submitted,

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